

Introduced by Senator Wiggins

February 19, 2010

An act to amend Section 23399.4 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1336, as introduced, Wiggins. Alcoholic beverage control: winegrowers: certified farmers' market sales permits.

Existing law permits the Department of Alcoholic Beverage Control to issue special temporary licenses and permits to various entities for limited purposes. Existing law permits the department to issue a certified farmers' market sales permit to allow a licensee under a winegrower's license to sell wine produced and bottled by the winegrower at certified farmers' market locations, under specified conditions, including a limitation on the amount of wine that can be sold pursuant to the permit.

This bill would remove the limitation on the amount of wine that can be sold pursuant to the certified farmers' market sales permit.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23399.4 of the Business and Professions
- 2 Code is amended to read:
- 3 23399.4. (a) A licensee under a winegrower's license may
- 4 apply to the department for a certified farmers' market sales permit.
- 5 A certified farmers' market sales permit shall authorize the
- 6 licensee, a member of the licensee's family, or an employee of the
- 7 licensee to sell wine produced and bottled by the winegrower

1 entirely from grapes grown by the winegrower at a certified
2 farmers' market at any place in the state approved by the
3 department. The permit may be issued for up to 12 months but
4 shall not be valid for more than one day a week at any single
5 specified certified farmers' market location. A winegrower may
6 hold more than one certified farmers' market sales permit. The
7 department shall notify the city, county, or city and county and
8 applicable law enforcement agency where the certified farmers'
9 market is to be held of the issuance of the permit. A "certified
10 farmers' market" means a location operated in accordance with
11 Chapter 10.5 (commencing with Section 47000) of Division 17 of
12 the Food and Agricultural Code, and the regulations adopted
13 pursuant thereto.

14 ~~(b) The licensed winegrower eligible for the certified farmers'~~
15 ~~market sales permit shall not sell more than 5,000 gallons of wine~~
16 ~~annually pursuant to all certified farmers' market sales permits~~
17 ~~held by any single winegrower. The licensed winegrower shall~~
18 ~~report total certified farmers' market wine sales to the department~~
19 ~~on an annual basis. The report may be included within the annual~~
20 ~~report of production submitted to the department, or pursuant to~~
21 ~~any regulation as may be prescribed by the department.~~

22 ~~(e)~~

23 (b) The fee for any permit issued pursuant to this section shall
24 be forty-four dollars (\$44) for permits issued during the 2002
25 calendar year, forty-seven dollars (\$47) for permits issued during
26 the 2003 calendar year, fifty dollars (\$50) for permits issued during
27 the 2004 calendar year, and for permits issued during the years
28 thereafter, the annual fee shall be calculated pursuant to
29 subdivisions (b) and (c) of Section 23320.

30 ~~(d)~~

31 (c) All money collected as fees pursuant to this section shall be
32 deposited in the Alcohol Beverage Control Fund as provided in
33 Section 25761.